

## **REMARKS**

Claims 1, 30, 35, 39, and 42 have been amended and Claims 1-42 are now pending in the present application.

### **Office Action of June 29, 2005**

Applicants have carefully reviewed and considered the Office Action of June 29, 2005. Applicants hereby request entry of this Response and further consideration of the present application in view of the above amendments and following remarks.

In the Office Action, claims 1-12, 14-16, and 18-42 were rejected under 35 U.S.C. §103(a) as being unpatentable over www.powerball.com in view of Walker et al. (U.S. Pat. No. 6,497,408), and claims 13 and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over www.powerball.com in view of Walker et al. and further in view of Frequently Asked Questions About Keno (FAQK). Applicants respectfully traverse these grounds of rejection and requests reconsideration thereof in view of above amendments and following remarks.

### **Claim Rejection under 35 U.S.C. § 103(a)**

Claims 1-12, 14-16, and 18-42 were rejected under 35 U.S.C. §103(a) as being unpatentable over www.powerball.com (Powerball) in view of Walker et al. Applicants respectfully traverse the rejection.

### **Claim 1**

The Office Action stated that Powerball teaches all elements of claim 1, including that, for some value payouts, the payout is different than a sum of a plurality of individual value payouts in which Powerball is silent about the plurality of multiple sets of number for a lottery. The Office Action further stated that Walker et al. teaches the purchase of multiple sets of number for a lottery, and that it would have been obvious to one ordinary skilled in the art to combine teachings from the two references. Applicants respectfully disagree.

In Powerball, a player may place wagers on a plurality of sets of symbols and be winner in these plurality of sets of symbols; however, the player does not obtain a

value payout that different from the sum of the plurality of value payouts. For example, if the player selects two sets of symbols, (1, 2, 3, 4, 5; red 10) and (6, 7, 8, 9, 10; red 20), and the winning set is (3, 4, 5, 9, 10; red 15). The player has matched two numbers in one set and three numbers in another set. The value payout for matching two numbers in one set without matching the red ball is zero and matching three numbers in one set is \$7, according to the Powerball payout table. The player would get  $\$0 + \$7 = \$7$ .

On the other hand, in amended claim 1, if the player selects two sets: (1, 2, 3, 4, 5, 6) and (2, 4, 6, 8, 10, 12), and the winning set is (1, 2, 4, 8, 10, 12). The player matches 3 numbers in each set. According to one exemplary payout table (as shown on Table 1 of the Specification), the player would get \$5 for match three numbers in the first set and \$5 for matching three numbers in the second set. However, because the player matched three numbers in both sets in a single play, the player will get \$50 instead of simply  $2 \times \$5$  as would occur in the Powerball.

In order to render obvious the present invention, the suggested combination must disclose all elements of the claims (MPEP §2141). Applicants submit that this element of, for at least some of the value payouts, the value payout being different from a sum of a plurality of individual value payouts is not disclosed by Powerball or Walker et al., either individually or in combination, and the combination cannot render obvious the claim as amended. Applicants further submit that the amendment does not add new material and is fully supported by the specification (Page 14, Lines 9-18). Therefore, claim 1, as amended, is patentable over Powerball or Walker et al., either individually or in combination, and allowance thereof is requested.

#### Claims 2, 5-6, 9-12, 14-16, and 18-29

The Office Action rejected claims 2, 5-6, 9-12, 14-16, and 18-29 for the same reasons stated for claim 1. Applicants respectfully disagree.

Claims 2, 5-6, 9-12, 14-16, and 18-29 depend from claim 1 and further add steps to the method of claim 1. Therefore, Applicants submit that claims 2, 5-6, 9-12, 14-16, and 18-29 are patentable over the cited references for at least reasons stated

above with respect to the patentability of amended claim 1 and the allowance thereof is requested.

#### Claims 3-4

The Office Action rejected claims 3-4 for the same reasons stated for claim 1. Applicants respectfully disagree.

As it is shown in Table 1 of the application and explained above with respect to the patentability of amended claim 1, Powerball or Walker et al., either individually or in combination, do not disclose a value payout that is greater than the sum of the plurality of individual value payouts.

Therefore, Applicants submit that claims 3-4 are patentable over the cited references for at least reasons stated above with respect to the patentability of amended claim 1 and the allowance thereof is requested.

#### Claims 7-8

The Office Action rejected claims 7-8 for being obvious by the combination of Powerball with Walker et al. However, after reviewing the cited references, Applicants do not discern where in either Powerball or Walker et al. is disclosed determining a bonus payout and determining a value payout either as the greater of a base payout and the bonus payout or as the sum of the base payout and the bonus payout.

Therefore, Applicants request that the Examiner either clearly point out where in the cited references such elements are disclosed or withdraw the rejections of claims 7-8.

#### Claims 13 and 17

The Office Action rejected claims 13 and 17 as being unpatentable over Powerball, in view of Walker et al., and further in view of FAQK. Applicants respectfully traverse this ground of rejection.

Claims 13 and 17 depend from claim 1 and further add steps to the method of claim 1. Therefore, Applicants submit that claims 13 and 17 are patentable over the

cited references for at least reasons stated above with respect to the patentability of amended claim 1 and the allowance thereof is requested.

#### Claim 30

The Office Action stated that Walker et al. teaches the use of a network lottery system and it would have been obvious to one of ordinary skill in the art to combine the teachings of Walker et al. and Powerball. Applicants respectfully disagree.

As stated above with respect of the patentability of claim1, Powerball does not disclose the element of, for at least some value payouts, the value payout being different from a sum of a plurality of individual value payouts. A combination of Walker et al. and Powerball would be a network based lottery system that does not disclose at least some value payouts with the value payout different from a sum of a plurality of individual value payouts as claimed by the amended claim 30. Therefore, Applicants submit claim 30, as amended, is patentable over Powerball or Walker et al., either individually or in combination, and allowance thereof is requested.

#### Claims 31-34

The Office Action rejected claims 31-34 for the same reasons stated for claim 30. Applicants respectfully traverse this rejection. Claims 31-34 depend from claim 30 and further add elements to the method of claim 30. Therefore, Applicants submit that claims 31-34 are patentable over the cited references for at least reasons stated above with respect to the patentability of amended claim 30 and the allowance thereof is requested.

#### Claim 35

The Office Action rejected claim 35 for the same reasons stated for claim 1. Applicants respectfully traverse this rejection.

As stated above with respect of the patentability of claim1, the element of, for at least some value payouts, the value payout being different from a sum of a plurality of individual value payouts is not disclosed by Powerball or Walker et al., either individually or in combination. Therefore, Applicants submit that claim 35, as amended,

is patentable over Powerball or Walker et al., either individually or in combination, and allowance thereof is requested.

#### Claims 36-38

The Office Action rejected claims 36-38 for the same reasons stated for claim 35. Applicants respectfully traverse this rejection.

Claims 36-38 depend from claim 35 and further add elements to the method of claim 30. Therefore, Applicants submit that claims 36-38 are patentable over the cited references for at least reasons stated above with respect to the patentability of amended claim 35 and the allowance thereof is requested.

#### Claim 39

The Office Action rejected claim 39 for being anticipated by Powerball in view of Walker et al. However, The Office Action failed to indicate where in either Powerball or Walker et al. each step of claim 39 is disclosed. When a reference is complex, the particular part relied on must be designated as nearly as practicable (37 CFR 1.104). Therefore, Applicants request that the Examiner either clearly point out where in the cited references such elements are disclosed or withdraw the rejections of claim 39. Otherwise, Applicants are unable to address the unsupported rejection.

#### Claims 40-41

The Office Action rejected claims 40-41 being obvious by the combination of Powerball with Walker et al. However, claims 40-41 depend from claim 39, and Applicants submit that the Office Action has not adequately rejected claim 39 and claims 40-41 are at least patentable over the cited references for the same reasons stated above for claim 39.

#### Claim 42

The Office Action stated that Walker et al. teaches the use of a network lottery system and it would have been obvious to one of ordinary skilled in the art to combine

teachings of Walker et al. and Powerball. Applicants respectfully traverse this rejection.

As stated above with respect of the patentability of claim 1, Powerball does not disclose the element of, for at least some value payouts, the value payout being different from a sum of a plurality of individual value payouts. A combination of Walker et al. and Powerball would be a network based lottery system that does not disclose at least some value payouts of the value payout being different from a sum of a plurality of individual value payouts as claimed by the amended claim 42. Therefore, as the suggested combination does not disclose all elements of amended claim 42, Applicants submit claim 42, as amended, is patentable over Powerball or Walker et al., either individually or in combination, and allowance thereof is requested.

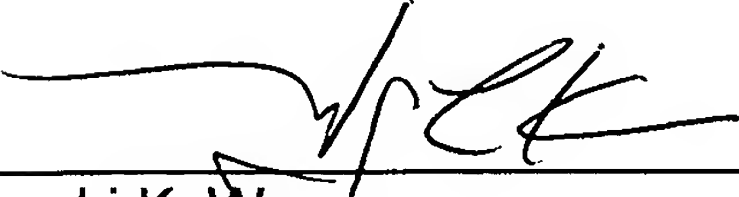
#### Conclusion

In view of the foregoing remarks, Applicants respectfully submits that Claims 1-42 are in condition for allowance and entry of the present amendment and notification to that effect is earnestly requested. If necessary, the Examiner is invited to telephone Applicants' attorney (404-815-3383) to facilitate prosecution of this application.

No additional fees are believed due. However, the Commissioner is hereby authorized to charge any additional fees that may be required, including any necessary extensions of time, which are hereby requested to Deposit Account No. 03-0683.

Respectfully submitted,  
Meyer et al.  
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7/15/05

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, Alexandria, VA 22313-1450, on this 15<sup>th</sup> day of July, 2005.

Lucille Golden-Blakey

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Signature